

REMARKS

This Preliminary Amendment and the accompanying Information Disclosure Statement and Request for Continued Examination ("RCE") are being filed in response to the Office Action mailed on June 2, 2005. A check for \$790.00 to cover the RCE filing fee payment is included with this Amendment. If necessary, please charge any other fees for entry of this Amendment and RCE to our deposit account no. 03-3415.

Claims 1-21, 27, 31, 36-39 and 42-57, including withdrawn claims 13-20, are pending. Claims 1-12 and 21 have been allowed. Claims 36, 38, 44-46, 49, 52 and 55 have been amended.

The Examiner has rejected applicants' claims 27, 31, 36-39, 42-57 under 35 USC 102(e) as being anticipated by the Kamamoto, et al. (U.S. 5,982,429) patent. Applicants have amended applicants' independent claims 36, 38, 44-46, 49, 52 and 55 to better define applicants' invention.

Applicants' independent claim 36 has been amended to recite a moving member for moving the display part to a first position in which a back side of the display part faces the object and the display face of the display part faces an operator who uses the image pickup apparatus while the operator is picking up an image of the object, and a second position in which the display part is stowed in the image pickup apparatus body, wherein when the display part is in the first position, third direction of the display part substantially parallels second direction of the body, and when the display part is in the second position, first direction of the display part substantially parallels second direction of the body. Applicants' independent claims 38, 44, and 45 have been similarly amended.

Applicants' independent claim 46 has been amended to recite a moving member for moving the display part to a first position in which the operator can view the display face of the display part and a second position in which the display part is stowed in the image pickup apparatus, wherein the operator rotates the display part around a first shaft from the second position toward an upper side of the image pickup apparatus so that the display part moves from the second position to a third position and, the operator rotates the display part around a second shaft approximately perpendicular to the first shaft from the third position so that the display part moves from the third position to the first position, wherein when the display part is in the second position, a major-side direction of the display part substantially parallels a major-side direction of the body, and when the display part is in the first position, a minor-side direction of the display part substantially parallels a major-side direction of the body. Applicants' independent claims 49, 52 and 55 have been similarly amended.

The constructions recited in amended claims 36, 38, 44-46, 49, 52 and 55 are not taught or suggested by the cited art of record. In particular, the Examiner has argued, with respect to applicants' claim 36, that the Kamamoto, et al. reference discloses a moving member for moving said display part to a first position in which said display part makes the picked-up image viewable, and a second position in which said display part is stowed in the image pickup apparatus body (e.g., opening/closing device element 12 of Fig. 2 is the moving member wherein the display part can be moved as shown in Figs. 2-5);...wherein when said display part is in the first position, third direction of said display part substantially coincides with second direction of said body, and when said display part is in the second position, first direction of said display part substantially coincides with second direction of said body (e.g., see Figs. 2 and 5; when the display is rotated so as to be pointing up in the first position the

third direction coincides with the second direction and when the display is in the second position as shown in Fig. 3 the first direction coincides with the second direction). The Examiner has presented similar arguments and has cited Figs. 2-5 of the Kamamoto, et al. patent as disclosing the features of applicants' independent claims 38, 44-46, 49, 52 and 55.

Applicants respectfully disagree with the Examiner's arguments. Specifically, there is nothing taught or suggested in the Kamamoto, et al. patent of a third direction of the display part substantially paralleling second direction of the body, or of a minor-side direction of the display part substantially paralleling a major-side direction of the body, when the display part is in the first position, in which a back side of the display part faces the object and the display face faces an operator, as recited in applicants' amended independent claims 36, 38, 44 and 45.

As shown in Figs. 2-5 of the Kamamoto, et al. patent, the display part (7) of the apparatus can be moved to a first position in which the display face faces an operator of the apparatus and the back side of the display part faces an object (See, Figs. 3 and 4), a second position, in which the display part is aligned with a body of the apparatus (See, Fig. 3) and a further position in which the display part is rotated such that the display face of the display part faces upward or downward (See, Fig. 5). If a first direction is a direction along the length, or major-side, of the display part, a second direction is a direction along the length, or major-side, of the body of the apparatus and a third direction is along the width, or minor-side, of the display part, as defined in applicants' independent claims 36, 38, 44-46, 49, 52 and 55, then in the Kamamoto, et al., the first direction, or the major-side, of the display part is substantially parallel to the second direction, or the major-side, of the apparatus body when the display part is in the first position, i.e. display face faces an operator while the back side of the display part faces an object. Only when the display part is rotated so that the display face faces upward or

downward (and thus not facing the operator) and the back side faces downward or upward (and thus not facing the object) (See, Fig. 5), would the third direction, or minor-side direction, of the display part substantially parallel the second direction, or the major-side direction, of the apparatus body.

Therefore, there is nothing taught or suggested in the Kamamoto, et al. patent of a moving member for moving the display part to the first position in which the back side of the display part faces the object and the display face of the display part faces the operator while the operator in picking up an image of the object, wherein when the display part is in the first position, third direction, or minor-side direction, of the display part substantially parallels second direction, or major side direction, of the body. Applicants' amended independent claims 36, 38, 44 and 45, each of which recites these features, and their respective dependent claims, thus patentably distinguish over the Kamamoto, et al. patent.

With respect to applicants' independent claims 46, 49, 52 and 55, the Kamamoto, et al. patent fails to teach or suggest rotating the display part around a first shaft from the second position, i.e. in which the display part is stowed in the image pickup apparatus, toward an upper side of the image pickup apparatus so that the display part moves from the second to a third position. Firstly, even though the Examiner has argued that "when Kamamoto rotates the display upwards it does move the display part around a first shaft so that said display part moves (in such a position as to be in the direction of) an upper side in said image pickup apparatus," applicants believe that the Kamamoto, et al. reference does not teach or suggest rotating the display part toward an upper side of the image pickup apparatus. That is, when the display part is rotated as shown in Fig. 4 of Kamamoto, et al., there is no movement of the display part upwards in the direction of, or toward, the upper side of the image pickup

apparatus. Rather, the display part in the Kamamoto, et al. may be rotated so that the face of the display points in an upward direction, but the position of the display part itself remains at the same level with respect to the upper side of the apparatus and does not move upwards.

Nonetheless, even if the apparatus in Kamamoto, et al. was capable of an upward movement of the display part, there is nothing taught or suggested of rotating the display part from the second position, i.e. in which the display part is against, or stowed away in, the body of the apparatus, toward an upper side of the image pickup apparatus so that the display part moves from the second position to a third position. The display part of the Kamamoto, et al. patent is simply not capable of such movement because the body of the apparatus would obstruct any rotation of the display part about the first shaft (elements 29 and 30), which the Examiner has argued constitutes an upward movement of the display part, when the display part is in the second position. Instead, when the display part of Kamamoto, et al. is in the second position, it can only be rotated in an outward direction from the second position to the first position, i.e. in which the operator is able to view the display face as shown in Figs. 3 and 4.

Accordingly, the Kamamoto, et al. patent does not, and cannot, disclose or suggest the operator rotating the display part around a first shaft from the second position toward an upper side of the image pickup apparatus so that the display part moves from the second position to a third position. Applicants' independent claims 46, 49, 52 and 55, all of which recite this feature, and their respective dependent claims, thus patentably distinguish over the Kamamoto, et al. patent.

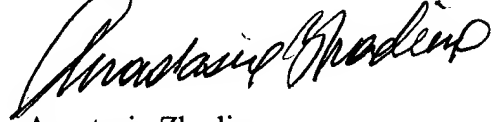
In view of the above, it is submitted that applicants' amended independent claims 36, 38, 44-46, 49, 52 and 55 patentably distinguish over the cited art of record. If the Examiner

believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicants' counsel at (212) 790-9286.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Anastasia Zhadina", written in a cursive style.

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